

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
TAP ELECTRICAL CONTRACTING SERVICE, INC.,

Plaintiff,

-against-

E.E. CRUZ & CO., INC.,

Defendant.

-----X  
E.E. CRUZ & CO., INC.,

Third-Party Plaintiff,

-against-

MALCOLM PIRNIE, INC. and  
URS CORPORATION,

Third-Party Defendants.

-----X  
URS CORPORATION-NEW YORK,

Second Third-Party Plaintiff,

-against-

WINSTON SMITH, P.E., P.C.,

Second Third-Party Defendant.

-----X

Third-party defendant, Malcolm Pirnie, Inc. ("MPT"), by its attorneys, Milber Makris Plousadis & Seiden, LLP, as and for its Answer to the Cross-Claims of third-party defendant/second third-party plaintiff, URS Corporation-New York ("URS"), contained within its Answer to Third-Party Complaint, dated December 17, 2007, states as follows:

Civil Case No.:  
07-CV-7770 (GD)

**ANSWER TO  
CROSS-CLAIMS**

**AS AND FOR AN ANSWER TO THE FIRST  
CROSS-CLAIM AGAINST ALL DEFENDANTS**

1. MPI denies each and every allegation contained in the First Cross-Claim Against All Defendants of third-party defendant/second third-party plaintiff, URS, contained within its Answer to Third-Party Complaint, dated December 17, 2007, at paragraphs “39”, “40”, “41” and “42”, as it pertains or relates to MPI; otherwise MPI denies having knowledge or information sufficient to form a belief as to the truth of the allegations and respectfully refers all questions of law to this Honorable Court.

**AS AND FOR AN ANSWER TO THE SECOND  
CROSS-CLAIM AGAINST ALL DEFENDANTS**

2. MPI denies each and every allegation contained in the Second Cross-Claim Against All Defendants of third-party defendant/second third-party plaintiff, URS, contained within its Answer to Third-Party Complaint, dated December 17, 2007, at paragraphs “43”, “44” and “45”, as it pertains or relates to MPI; otherwise MPI denies having knowledge or information sufficient to form a belief as to the truth of the allegations and respectfully refers all questions of law to this Honorable Court.

**WHEREFORE**, Malcolm Pirnie, Inc., demands judgment as follows:

- (A) Dismissing the First Cross-Claim against MPI of third-party defendant/second third-party plaintiff, URS Corporation-New York;
- (B) Dismissing the Second Cross-Claim against MPI of third-party defendant/second third-party plaintiff, URS Corporation-New York;
- (C) Awarding it the costs and disbursements of this action, together with all of its attorneys’ fees, plus interest; and
- (D) Awarding it such other and further relief as this Court deems just and proper.

**Dated: White Plains, New York  
January 8, 2008**

Respectfully submitted,

**MILBER MAKRIS PLOUSADIS  
& SEIDEN, LLP**

By: 

Michael A. Heran (MH0413)  
Attorneys for Third-Party Defendant  
**Malcolm Pirnie, Inc.**  
3 Barker Avenue, 6<sup>th</sup> Floor  
White Plains, New York 10601  
(914) 681-8700

**TO: LEWIS BRISBOIS BISGAARD & SMITH, LLP**

Attorneys for Defendant/Third-Party Plaintiff

***E.E. Cruz & Co., Inc.***

199 Water Street, 25<sup>th</sup> Floor

New York, New York 10038

(212) 232-1300

**PODNEY, MEANOR, CATENACCI, HILDNER,**

**COCOZIELLO & CHATTMAN**

Attorneys for Plaintiff

***TAP Electrical Contracting Service, Inc.***

One Riverfront Plaza, 8<sup>th</sup> Floor

Newark, New Jersey 07102

(973) 623-1000

**WINSTON & STRAWN LLP**

Attorneys for Third-Party Defendant

***URS Corporation***

200 Park Avenue

New York, New York 10166-4193

(212) 294-6700

**WINSTON SMITH, P.E., P.C.**

292 Fifth Avenue

New York, New York 10001-4513

**AFFIDAVIT OF SERVICE**

STATE OF NEW YORK                     )  
  ) ss.:  
COUNTY OF WESTCHESTER         )

I, Elizabeth Goode, being sworn, say, I am not a party to this action, am over 18 years of age, and reside in Westchester County, New York.

On the 8<sup>th</sup> day of January 2008, I served a true copy of the within **ANSWER TO CROSS-CLAIMS** via regular mail, addressed to the attorney(s) for the respective parties in this action, at the address(es) designated by said attorney(s) for that purpose by depositing true copies of same enclosed in a postpaid, properly addressed wrapper, in an official depository under the exclusive care and custody of the United States Post Office within the State of New York.

TO: **LEWIS BRISBOIS BISGAARD  
& SMITH, LLP**

Attorneys for Defendant/  
Third-Party Plaintiff  
**E.E. Cruz & Co., Inc.**  
199 Water Street, 25<sup>th</sup> Floor  
New York, New York 10038  
(212) 232-1300

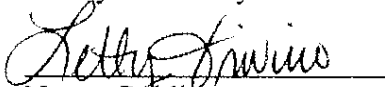
**PODNEY, MEANOR,  
CATENACCI, HILDNER,  
COCOZIELLO & CHATTMAN**  
Attorneys for Plaintiff  
**TAP Electrical Contracting Service, Inc.**  
One Riverfront Plaza, 8<sup>th</sup> Floor  
Newark, New Jersey 07102  
(973) 623-1000

**WINSTON & STRAWN LLP**  
Attorneys for Third-Party Defendant  
**URS Corporation**  
200 Park Avenue  
New York, New York 10166-4193  
(212) 294-6700

**WINSTON SMITH, P.E., P.C.**  
292 Fifth Avenue  
New York, New York 10001-4513

  
Elizabeth Goode

Sworn to before me this  
8<sup>th</sup> day of January 2008.

  
Notary Public

**LETTY TRIVINO**  
Notary Public, State of New York  
No. 01TR6158357  
Qualified in Westchester County  
Commission Expires 01/02/2011